



Confederated Tribes and Bands  
of the Yakama Indian Nation

0075557

Established by the  
Treaty of June 9, 1855

July 24, 2001

Jamie Zeisloft

USDOP-RL

3350 George Washington Way, HO -12  
Richland, WA 99352

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EDMC

**RE: Yakama Nation Comments on Sampling and Analysis Instruction for Evaluation of Residual DDT, DDE, and DDD at the Horseshoe Landfill, BHI-01529, Draft A**

Dear Mr. Zeisloft:

Pursuant to the CERCLA Tolling Agreement signed with the Department of Energy and the Nez Perce Tribe on July 6, 2001, the Yakama Nation (YN) is taking the opportunity to comment on the draft Sampling and Analysis Instruction provided by the Department of Energy concerning the injury to natural resources occurring in the 1100 Area at the Horseshoe Landfill.

Last December the Yakama Nation issued a Preassessment Screen Determination (PAD) which concluded that injury to natural resources had probably occurred at the Horseshoe Landfill. Included with the PAD was a letter to Keith Klein, Manager of the Richland Operations Office, indicating that YN was planning to proceed with a natural resource damage assessment (NRDA) of the 1100 Area under CERCLA § 107(f). On January 3, 2001, ER/WM staff met with DOE-RL management, and discussed the PAD and how the DOE was going to address these concerns. DOE agreed to conduct some sampling of soil at the Landfill to determine the residual DDT, DDE and DDD levels, leading to the execution of the Agreement tolling the CERCLA statute of limitations.

The Yakama Nation ER/WM Program has reviewed this document, and has the following concerns and suggestions:

1. **Sampling Depth.** The rationale given on page 3-1 (§ 3.1.2) for only sampling to 0 to 0.6 m (2 ft.) is not consistent with either the natural resources present at the site or the Landfill's sampling history. YN recommends that deep sampling be conducted below the bottom of the trenches. The 0 to 0.6 m composite soil samples are appropriate for sample depth control in undisturbed soils.

2. **Sample Design.** This instruction represents a boiler plate instruction directed at an exploration level sampling project. YN's intent here is essentially for closure confirmation, and the design unfortunately misses the target. The previous investigations' data and analysis indicates that contamination continues to be a problem in the immediate area of the Landfill. The instruction should be focused on expanding the soil sampling out in a grid radiating from the

existing sample control locations. Once completed, a closure confirmation-sampling program can be conducted.

The approach in § 3.1.1. to conduct an area-wide sampling by using a randomly placed triangular grid over the area of investigation to locate soil samples is not appropriate for a confirmatory sampling project. YN's suggestion is to provide a topographic map of the appropriate scale to delineate the landfill area the disturbed and backfilled trenches. Once identified, all previous sample locations would be plotted and a new grid plotted. For the backfilled trenches, YN suggests that they be sampled for cleanliness (clean backfill) – i.e., did new contamination get introduced. Historical information and data concerning the use and remediation of the site should be consulted as much as possible to further refine the sampling approach. YN requests that all references to documents from the CERCLA process that are employed to draft the Sampling Instruction be listed in the Appendix.

**3. Immunoassay Field Analysis.** The analysis described in § 3.4.1 is confusing and not recommended for a final closure confirmation-sampling project. The immunoassay sampling needs to be controlled sampling with analysis conducted by an independent certified laboratory. Use of field test kits for sampling introduces error and cannot be controlled with the proper quality controls required by EPA.

The Yakama Nation ER/WM Program feels that these concerns and suggestions can be addressed most appropriately through a technical meeting with DOE staff that would be designed to produce a final Sampling and Analysis Plan for the Horseshoe Landfill. YN would like to work together with DOE and the other NRDA trustees to further refine the sampling protocol to complete site closure. YN appreciates the efforts undertaken by RL to date to resolve this issue and ensure complete closure of the 1100 Area. My staff looks forward to working with the DOE in the final revisions of this document. If you have any questions please contact me at (509) 452-2502, or Wade Riggsbee at (509) 582-6889.

Sincerely,



Russell Jim  
Manager  
Yakama Nation ER/WM Program

cc: Tom Zeilman, OLC  
Brian Barry  
Dan Landeen, Nez Perce Tribe  
Tom O'Brien, USDOJ